

amount determined for such drug under subsection (b)(4); or

“(II) in the case of a refundable single-dose container or single-use package drug that is a biosimilar biological product, the average sales price determined under subsection (b)(8)(A).

“(B) TREATMENT OF DRUGS THAT REQUIRE FILTRATION OR OTHER UNIQUE CIRCUMSTANCES.—

“(i) IN GENERAL.—The Secretary, through notice and comment rulemaking—

“(I) in the case of a refundable single-dose container or single-use package drug described in subclause (I) of clause (ii), shall adjust the percentage otherwise applicable for purposes of determining the refund amount with respect to such drug under subparagraph (A) as determined appropriate by the Secretary; and

“(II) in the case of a refundable single-dose container or single-use package drug described in subclause (II) of clause (ii), may adjust the percentage otherwise applicable for purposes of determining the refund amount with respect to such drug under subparagraph (A) as determined appropriate by the Secretary.

“(ii) DRUG DESCRIBED.—For purposes of clause (i), a refundable single-dose container or single-use package drug described in this clause is either of the following:

“(I) A refundable single-dose container or single-use package drug for which preparation instructions required and approved by the Commissioner of the Food and Drug Administration include filtration during the drug preparation process, prior to dilution and administration, and require that any unused portion of such drug after the filtration process be discarded after the completion of such filtration process.

“(II) Any other refundable single-dose container or single-use package drug that has unique circumstances involving similar loss of product.

“(4) FREQUENCY.—Amounts required to be refunded pursuant to paragraph (2) shall be paid in regular intervals (as determined appropriate by the Secretary).

“(5) REFUND DEPOSITS.—Amounts paid as refunds pursuant to paragraph (2) shall be deposited into the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

“(6) ENFORCEMENT.—

“(A) AUDITS.—

“(i) MANUFACTURER AUDITS.—Each manufacturer of a refundable single-dose container or single-use package drug that is required to provide a refund under this subsection shall be subject to periodic audit with respect to such drug and such refunds by the Secretary.

“(ii) PROVIDER AUDITS.—The Secretary shall conduct periodic audits of claims submitted under this part with respect to refundable single-dose container or single-use package drugs in accordance with the authority under section 1833(e) to ensure compliance with the requirements applicable under this subsection.

“(B) CIVIL MONEY PENALTY.—

“(i) IN GENERAL.—The Secretary shall impose a civil money penalty on a manufacturer of a refundable single-dose container or single-use package drug who has failed to comply with the requirement under paragraph (2) for such drug for a calendar quarter in an amount equal to the sum of—

“(I) the amount that the manufacturer would have paid under such paragraph with respect to such drug for such quarter; and

“(II) 25 percent of such amount.

“(ii) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this subparagraph in the same manner

as such provisions apply to a penalty or proceeding under section 1128A(a).

“(7) IMPLEMENTATION.—The Secretary shall implement this subsection through notice and comment rulemaking.

“(8) DEFINITION OF REFUNDABLE SINGLE-DOSE CONTAINER OR SINGLE-USE PACKAGE DRUG.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), in this subsection, the term ‘refundable single-dose container or single-use package drug’ means a single source drug or biological (as defined in section 1847A(c)(6)(D)) or a biosimilar biological product (as defined in section 1847A(c)(6)(H)) for which payment is established under this part and that is furnished from a single-dose container or single-use package.

“(B) EXCLUSIONS.—The term ‘refundable single-dose container or single-use package drug’ does not include a drug or biological that is either a radiopharmaceutical or an imaging agent.

“(9) REPORT TO CONGRESS.—

“(A) IN GENERAL.—Not later than 3 years after the date of enactment of this subsection, the Office of the Inspector General of the Department of Health and Human Services, in consultation with the Centers for Medicare & Medicaid Services and the Food and Drug Administration, shall submit to the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, a report on any impact this subsection is demonstrated to have on—

“(i) the licensure, market entry, market retention, or marketing of biosimilar biological products; and

“(ii) vial size changes, label adjustments, or technological developments.

“(B) UPDATES.—At the direction of the Committees referred to in subparagraph (A), the Office of the Inspector General of the Department of Health and Human Services, in consultation with the Centers for Medicare & Medicaid Services and the Food and Drug Administration, shall periodically update the report under such subparagraph.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 167—SUPPORTING THE GOALS AND IDEALS OF “COUNTERING INTERNATIONAL PARENTAL CHILD ABDUCTION MONTH” AND EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD RAISE AWARENESS OF THE HARM CAUSED BY INTERNATIONAL PARENTAL CHILD ABDUCTION

Mrs. FEINSTEIN (for herself, Mr. TILLIS, Mr. MCCONNELL, Mr. BLUMENTHAL, Mr. BOOKER, Mr. CRAPO, Ms. KLOBUCHAR, Mr. MARKEY, Mr. RUBIO, and Mr. CORNYN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 167

Whereas thousands of children in the United States have been abducted from the United States by parents, separating those children from their parents who remain in the United States;

Whereas it is illegal under section 1204 of title 18, United States Code, to remove, or attempt to remove, a child from the United States or to retain a child (who has been in the United States) outside of the United

States with the intent to obstruct the lawful exercise of parental rights;

Whereas 10,836 children were reported abducted from the United States between 2009 and 2019;

Whereas, during 2019, 1 or more cases of international parental child abduction involving children who are citizens of the United States were identified in 102 countries around the world;

Whereas the United States is a party to the Convention on the Civil Aspects of International Child Abduction, done at The Hague, October 25, 1980 (TIAS 11670) (referred to in this preamble as the “Hague Convention on Abduction”), which—

(1) supports the prompt return of wrongly removed or retained children; and

(2) calls for all participating parties to respect parental custody rights;

Whereas the majority of children who were abducted from the United States have yet to be reunited with their custodial parents;

Whereas, between 2015 and 2019, Argentina, the Bahamas, Brazil, China, Colombia, Costa Rica, the Dominican Republic, Ecuador, Egypt, Guatemala, Honduras, India, Japan, Jordan, Lebanon, Morocco, Nicaragua, Peru, Romania, Tunisia, and the United Arab Emirates were identified under the Sean and David Goldman International Child Abduction Prevention and Return Act of 2014 (22 U.S.C. 9101 et seq.) as engaging in a pattern of noncompliance (as defined in section 3 of such Act (22 U.S.C. 9101));

Whereas the Supreme Court of the United States has recognized that family abduction—

(1) is a form of child abuse with potentially “devastating consequences for a child”, which may include negative impacts on the physical and mental well-being of the child; and

(2) may cause a child to “experience a loss of community and stability, leading to loneliness, anger, and fear of abandonment”;

Whereas, according to the 2010 Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction by the Department of State, an abducted child is at risk of significant short- and long-term problems, including “anxiety, eating problems, nightmares, mood swings, sleep disturbances, [and] aggressive behavior”;

Whereas international parental child abduction has devastating emotional consequences for the child and for the parent from whom the child is separated;

Whereas the United States has a history of promoting child welfare through institutions including—

(1) in the Department of Health and Human Services, the Children’s Bureau of the Administration for Children and Families; and

(2) in the Department of State, the Office of Children’s Issues of the Bureau of Consular Affairs;

Whereas the Coalition to End International Parental Child Abduction, through dedicated advocacy and regular testimony, has highlighted the importance of this issue to Congress and called on successive administrations to take concerted action to stop international parental child abduction and repatriate kidnapped United States children;

Whereas Congress has signaled a commitment to ending international parental child abduction by enacting—

(1) the International Child Abduction Remedies Act (22 U.S.C. 9001 et seq.);

(2) the International Parental Kidnapping Crime Act of 1993 (Public Law 103-173), which enacted section 1204 of title 18, United States Code; and

(3) the Sean and David Goldman International Child Abduction Prevention and Return Act of 2014 (22 U.S.C. 9101 et seq.);

Whereas the Senate adopted Senate Resolution 543, 112th Congress, agreed to on December 4, 2012, condemning the international abduction of children;

Whereas the Senate adopted Senate Resolution 431, 115th Congress, agreed to on April 19, 2018, to raise awareness of, and opposition to, international parental child abduction;

Whereas the Senate adopted Senate Resolution 23, 116th Congress, agreed to on April 11, 2019, to raise awareness of the harm caused by international parental child abduction;

Whereas Congress calls upon the Department of State to fully utilize the tools available under the Sean and David Goldman International Child Abduction Prevention and Return Act of 2014 (22 U.S.C. 9101 et seq.) to negotiate, and make publicly available, bilateral agreements or memorandums of understanding—

(1) with countries not party to the Hague Convention on Abduction to resolve abduction and access cases; and

(2) regarding open abduction and access cases predating the Hague Convention on Abduction with countries that have thereafter become a party to the Hague Convention on Abduction;

Whereas all 50 States and the District of Columbia have enacted laws criminalizing parental kidnapping;

Whereas, in 2019, the Prevention Branch of the Office of Children's Issues of the Department of State—

(1) fielded more than 5,400 inquiries from the general public relating to preventing a child from being removed from the United States; and

(2) enrolled more than 4,500 children in the Children's Passport Issuance Alert Program, which—

(A) is one of the most important tools of the Department of State for preventing international parental child abduction; and

(B) allows the Office of Children's Issues to contact the enrolling parent or legal guardian to verify whether the parental consent requirement has been met when a passport application has been submitted for an enrolled child;

Whereas the Department of State cannot track the ultimate destination of a child through the use of the passport issued by the Department of State if the child is transported to a third country after departing from the United States;

Whereas a child who is a citizen of the United States may have another nationality and may travel using a passport issued by another country, which—

(1) increases the difficulty of determining the whereabouts of the child; and

(2) makes efforts to prevent abduction more critical;

Whereas, during 2019, 220 children were returned to the United States, and an additional 118 cases were resolved in other ways; and

Whereas, in 2019, the Department of Homeland Security, in coordination with the Prevention Branch of the Office of Children's Issues of the Department of State, enrolled 363 children in the Prevent Abduction Program, which is aimed at preventing international parental child abduction through coordination with the U.S. Customs and Border Patrol officers at the airport, seaport, or land border ports of entry (POE) on intercepting the child before departure: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and observes "Countering International Parental Child Abduction Month" during the period beginning on April 1, 2021, and ending on April 30, 2021, to raise awareness of, and opposition to, international parental child abduction; and

(2) urges the United States to continue playing a leadership role in raising awareness about the devastating impacts of international parental child abduction by educating the public about the negative emotional, psychological, and physical consequences to children and parents victimized by international parental child abduction.

SENATE RESOLUTION 168—CONGRATULATING THE NORTHWEST MISSOURI STATE UNIVERSITY BEARCATS MEN'S BASKETBALL TEAM ON WINNING THE 2021 NCAA MEN'S DIVISION II NATIONAL CHAMPIONSHIP

Mr. BLUNT (for himself and Mr. HAWLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 168

Whereas, on March 27, 2021, the Northwest Missouri State University Bearcats men's basketball team (in this preamble referred to as the "Bearcats") clinched their third National Collegiate Athletics Association (NCAA) Division II National Championship in 5 years in a landslide 80-54 victory over the West Texas A&M University Buffaloes;

Whereas the Bearcats should be proud of their University's storied history dating back to the inception of the school in 1905;

Whereas the Bearcats should be commended for their success and perseverance throughout the 2020-2021 season despite uncertainty during the coronavirus outbreak;

Whereas the Bearcats' victory marked the men's basketball team's second consecutive national championship, cementing the Bearcats' place atop NCAA Division II men's basketball;

Whereas the West Texas A&M University Buffaloes should also be commended on their efforts and success throughout an unprecedented season during the COVID-19 pandemic;

Whereas the city of Evansville, Indiana, and the NCAA should be commended for their efforts in providing a safe environment for the student athletes and staff during the championship tournament;

Whereas the Bearcats went 3-0 during the championship tournament with an average margin of victory of 26 points;

Whereas the Bearcats clinched a first round victory against West Liberty by a score of 98-77;

Whereas the Bearcats clinched a second round victory against Flagler by a score of 77-46;

Whereas the Bearcats claimed their title as back-to-back national champions by defeating West Texas A&M by a score of 80-54;

Whereas Ryan Hawkins should be commended for his role in the Bearcats' national championship victory by scoring a game-high 31 points while securing 18 rebounds;

Whereas 3 additional starting members of the Bearcats, Wes Dreamer, Trevor Hudgins, and Luke Waters, each scored in the double digits in the championship game and should be commended for their scoring efforts;

Whereas Wes Dreamer and Ryan Hawkins should each be commended for achieving a double-double in the championship game by scoring and rebounding in the double digits;

Whereas Ryan Hawkins and Trevor Hudgins should be celebrated for their selection to the Elite Eight All-Tournament Team;

Whereas Ryan Hawkins should further be recognized for being named as the Elite Eight's Most Outstanding Player;

Whereas the entire Bearcats roster should be commended for their 50 percent field goal percentage and 47 percent 3-point shooting;

Whereas the entire Bearcats roster contributed to the national championship victory, including Spencer Schomers, Diego Bernard, Jaran Richman, Isaiah Jackson, Wes Dreamer, Byron Alexander, Trevor Hudgins, Mitch Mascari, Daric Laing, Ryan Hawkins, Christian Stanislav, Luke Waters, and Daniel Abreu;

Whereas the entire Bearcats coaching staff contributed to the national championship victory, including Ben McCollum, Zach Schneider, Xavier Kurth, Dray Starzl, Nick Peters, Justin Dickerson, Sam Hawley, and Landon Graver; and

Whereas the Bearcats back-to-back national championships provide a sense of excitement and pride to the City of Maryville and Bearcat nation across Missouri: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Northwest Missouri State University Bearcats men's basketball team and the entire University, Mayor of Maryville Benjamin Lipiec, University President Dr. John Jasinski, Governor Mike Parson, and fans of the Bearcats on their national championship; and

(2) respectfully directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the President of Northwest Missouri State University;

(B) head coach Ben McCollum; and

(C) Mayor Benjamin Lipiec.

SENATE RESOLUTION 169—HONORING THE LIFE AND LEGACY OF WILLIAM ROBERT "BOBBY" "SLICK" LEONARD

Mr. BRAUN (for himself and Mr. YOUNG) submitted the following resolution; which was considered and agreed to:

S. RES. 169

Whereas William Robert "Bobby" "Slick" Leonard was born on July 17, 1932, in Terre Haute, Indiana;

Whereas Mr. Leonard was a stand-out basketball player while attending Gerstmeyer Technical High School in Terre Haute, Indiana;

Whereas Mr. Leonard went on to play basketball for the Indiana University Hoosiers men's basketball team (referred to in this preamble as the "Hoosiers") in Bloomington, where he—

(1) helped lead the Hoosiers to 2 Big Ten titles in 1953 and 1954; and

(2) hit the game winning free throw in the championship game to clinch the 1953 National Collegiate Athletic Association Division I men's basketball championship title for the Hoosiers;

Whereas Mr. Leonard was named a third-team All-American in 1953 and a second-team All-American in 1952;

Whereas, in 1952, Mr. Leonard was named the Most Valuable Player of the Hoosiers;

Whereas Mr. Leonard was captain of the Hoosiers during the 1953-1954 season;

Whereas Mr. Leonard served in the United States Army from 1954 to 1956;

Whereas Mr. Leonard was selected by the Baltimore Bullets with the first pick of the second round, the tenth overall pick, of the 1954 National Basketball Association (referred to in this preamble as the "NBA") draft;

Whereas, after being drafted in 1954, Mr. Leonard went on to play 7 years of professional basketball in the NBA, 5 years for the Minneapolis and Los Angeles Lakers and 2